

Notice of Allowability	Application No.	Applicant(s) <i>CH</i>	
	09/786,191	BOIS, HENRI-GEORGES	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE files 7/14/2004 and the Amendment filed 2/27/2004.
2. ☒ The allowed claim(s) is/are 1,2,6,7,9-13,18-20,22-24 and 26.
3. ☒ The drawings filed on 24 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Kenneth Meyers (25,146) on September 02, 2004.
3. The application has been amended as follows:

In the specification:

Header --BACKGROUND OF THE INVENTION-- has been inserted on page 1, between line 1 and line 2.

Header --SUMMARY OF THE INVENTION-- has been inserted on page 2, between line 35 and line 36.

Header --BRIEF DESCRIPTION OF THE DRAWINGS-- has been inserted on page 3, between line 16 and line 17.

Header --DETAILED DESCRIPTION OF THE DRAWINGS-- has been inserted on page 3, between line 35 and line 36.

In Claim 1:

"the travel direction" (line 3) has been changed to: --a longitudinal travel direction--;

"if the tape is present or not" (line 9) has been changed to: --a position of the tape--;

"suitable" (line 12) has been deleted;

"a default position" (line 15) has been changed to: --the default position--.

In Claim 6:

“heat-sealed jaws” (lines 2-3) has been changed to: --heat-sealing jaws--.

In Claim 7:

“suitable” (line 2) has been deleted.

In Claim 9:

“comprising a means” (line 2) has been changed to: --comprising means--.

In Claim 11:

“is a” (line 2) has been changed to: --is one of a--;

“tear/cut tape” (line 3) has been changed to: --a tear/cut tape--;

“adhesive tape” (line 3) has been changed to: --an adhesive tape--;

“or” (line 3) has been changed to: --and a--.

In Claim 12:

“claim 1 wherein” (line 1) has been changed to: --claim 1, further comprising means

for delivering the closure tape positioned adjacent to an edge of the film,--;

“the bag” (line 3) has been changed to: --the film--.

In Claim 19:

“the travel direction” (line 3) has been changed to: --a longitudinal travel direction--;

“the presence of the tape (60)” (line 7) has been changed to: --a default in position of

the tape (60) on the film--;

“responsive to detection of a default” (lines 15-16) has been changed to: --responsive

to the detection of the default--;

“the sensor” (line 16) has been changed to: --the at least one sensor--.

In Claim 20:

the phrase --further comprising delivering the closure tape from an edge of the film,--
has been inserted before “wherein” (line 1).

In Claim 26:

“the travel direction” (line 3) has been changed to: --a longitudinal travel direction--;
“suitable to reposition” (line 14) has been changed to: --for positioning--.

Claims 27-33 have been cancelled.

4. The following is an examiner’s statement of reasons for allowance:

The prior art fails to disclose and/or teach a method and an apparatus for forming reclosable bags from a continuously traveling film (12) that comprised in combination a set of heat sealing jaws (30), at least one sensor (100) provided in a predetermined position relative to the heat sealing jaws (30) for detecting a position of a closure tape (60) on the film (12), and means for repositioning the film correctly with respect to the heat-sealing jaws (30); wherein the patentability of the present invention lies on the at least one sensor comprising dual feelers (100a & 100b) that are juxtaposed in the longitudinal travel direction of the film for detecting the default in position of the closure tape (60) by sensing the thickness of the closure tape so that the film (12) can be repositioned correctly with respect to the heat-sealing jaws (30) by means for repositioning in response to the detection of the default in position of the film.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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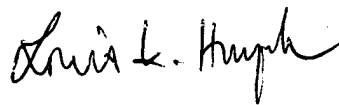
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694.

The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh
Patent Examiner
Art Unit 3721

September 02, 2004